

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 06-118-JJF
	:	
KEVIN PEARSALL,	:	
	:	
Defendant.	:	

MOTION FOR CONTINUANCE OF TRIAL

Defendant, Kevin Pearsall, by and through his undersigned counsel, Cathy Jenkins, hereby moves this Court for an Order re-scheduling the trial in this matter.

In support of the motion, Mr. Pearsall avers as follows:

1. On July 9, 2007 the Court scheduled trial in this matter to begin on July 25, 2007.
2. On July 9, 2007, defense counsel advised John Kilty, its expert witness of the July 25, 2007 trial date. Mr. Kilty advised counsel that he is scheduled for surgery on July 25, 2007 and will not be available for trial until late September 2007. Additionally, Mr. Kilty will be in trial, on another matter, on September 17, 2007 through September 19, 2007 and again the first week of October 2007.
3. Mr. Kilty's expert testimony is vital to Mr. Pearsall's case. Defense counsel is unable to obtain an alternate expert prior to the July 25, 2007 trial date and, therefore, will need a continuance until late September 2007 to effectively represent Mr. Pearsall.
4. Edmond Falgowski, Assistant United States Attorney, does not oppose Mr. Pearsall's request for a continuance.

WHEREFORE, Mr. Pearsall respectfully requests that the Court re-schedule the trial in this matter for a date in late September, 2007.

Respectfully submitted,

/s/
Cathy A. Jenkins, Esquire
Assistant Federal Public Defender

Attorney for Kevin Pearsall

Federal Public Defender's Office
704 King Street, Suite 110
Wilmington, Delaware 19801

DATED: July 11, 2007

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KEVIN PEARSALL,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Defendant, Kevin Pearsall's Motion for Continuance of Trial, it is hereby **ORDERED** that Mr. Pearsall's trial will be rescheduled for the _____ day of _____, 2007.

BY THE COURT:

Honorable Joseph J. Farnan
United States District Court